

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

CENTRAL PLATTE NATURAL
RESOURCES DISTRICT,

Plaintiff,

V.

UNITED STATES DEPARTMENT OF
AGRICULTURE, and FARM SERVICE
AGENCY,

Defendants.

4:09CV3198

MEMORANDUM AND ORDER ON THE
GROUNDWATER MANAGEMENT
DISTRICTS ASSOCIATION'S MOTION
FOR LEAVE TO FILE AMICUS BRIEF

Now before me is a motion by the Groundwater Management Districts Association (GMDA) for leave to file an amicus brief “setting forth its position with respect to Defendant USDA’s and Defendant FSA’s Motion to Dismiss and Motion for Summary Judgment.” (Filing 32.) In support of its motion, GMDA submits that it is “a 501(c)(3) corporation . . . composed of local groundwater management districts in several Midwestern and Southern States,” and that “[i]ts members include Plaintiff . . . Central Platte Natural Resources District.” (See filing 32 at 1.) It adds that GMDA and its members have “concrete interest in” and “substantial need for” GIS data from Defendant FSA, and that, “[i]n light of such concrete interest and the unique stake that GMDA has in the controversy before this Court,” GMDA should have “leave to file an Amicus Brief setting forth its position and that of its members with respect to access to GIS data, the central issue raised in this litigation.” (Id. at 2-3; see also filing 33 at 1-3.) It adds that “it will materially assist the Court in its resolution of the issues raised by the [defendants’ motions] to have and consider the position of GMDA with respect to access to GIS data.” (Filing 33 at 3.)

Based on GMDA's representations, and given the lack of opposition from the parties, I shall grant GMDA's motion for leave to file an amicus brief. I note, however, that GMDA did not attach a copy of its proposed amicus brief to its motion for leave; thus, it may be that opposition to my consideration of the brief will arise in the wake of its filing.

IT IS THEREFORE ORDERED that:

1. GMDA's Motion for Leave to File Amicus Brief, filing 32, is granted;
2. GMDA shall file its brief as amicus curiae as soon as possible, and no later than July 6, 2010;
3. within 14 days of the date of the filing of GMDA's brief, the parties may file a response to the brief, or, if necessary, request additional time to form a response to the brief.

Dated June 30, 2010.

BY THE COURT

s/ Warren K. Urbom
United States Senior District Judge